

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	)	
	)	
NATIONAL FORGE COMPANY, et al.,	)	
	)	
Debtor.	)	
OFFICIAL COMMITTEE OF UNSECURED	)	Civil Action No.: 1:04-cv-21 Erie
CREDITORS OF NATIONAL FORGE	)	
COMPANY,	)	
	)	
Plaintiff,	)	
	)	
and	)	
	)	
OFFICIAL COMMITTEE OF RETIREES OF	)	
NATIONAL FORGE COMPANY,	)	
	)	
v.	)	
	)	
E. ROGER CLARK, et al.,	)	
	)	
Defendants.	)	

**MOTION FOR LEAVE TO FILE SURREPLY BRIEF**

AND NOW, comes Plaintiff, the Official Committee of Unsecured Creditors of National Forge Company (the "Committee"), by and through its counsel, Leech Tishman Fuscaldo & Lampl, LLC, and hereby requests leave of Court to file the Surreply Brief attached hereto, and in support thereof avers as follows:

1. Currently pending before this Court is, *inter alia*, the Motion for Summary Judgment (the "Motion") of Defendants E. Roger Clark, Maurice J. Cashman, Dana Beyeler and Robert A. Kaemmerer (the "Moving Defendants"), which Motion was filed on September 26, 2005 in response to the Committee's Amended Complaint dated August 22, 2005.

2. In support of the Motion, the Moving Defendants appended, at Exhibit C of their Appendix, an unsigned copy of what they purport to be a true and correct copy of the “December 22, 1998 Resolution of Board of Directors of National Forge Company Holdings, Inc.”

3. Counsel for the Committee recently obtained from one of the Moving Defendants, Maurice J. Cashman, a signed copy of the December 22, 1998 meeting minutes of the boards of directors of both the National Forge Company Holdings, Inc. and National Forge Company.

4. This signed version of the December 22, 1998 meeting minutes contradicts that provided and relied upon by the Moving Defendants, thus raising a genuine issue of material fact as to whether summary judgment is appropriate in this matter.

5. In light of the foregoing conflicting documents, the Committee hereby requests leave of Court to file a short Surreply Brief, a true and correct copy of which is attached hereto, to briefly address this issue.

Respectfully submitted,

LEECH TISHMAN FUSCALDO & LAMPL, LLC

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